

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☒ original
☐ design
☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional
☒ continuation
☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

METHOD AND APPARATUS FOR CARTILAGE GROWTH STIMULATION

SPECIFICATION IDENTIFICATION

the specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.
- (b) ☒ was filed on November 9, 1999 as ☒ Serial No. 09/436,999 or ☐ Express Mail No. _____ as Serial No. _____ and was amended on _____ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. 1.67.

- (c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

- ☐ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty there is attached an information disclosure statement in accordance with 37 C.F.R. 1.98.

PRIORITY CLAIM (35 U.S.C. §119) (a)-(d)

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119(a)-(d)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. §119(e))

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

60/037,367

February 6, 1997

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

(Declaration and Power of Attorney [1-1] - page 3 of 7)

10026290-122001

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. §120.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

PETER G. DILWORTH, Reg. No. 26,450; ROCCO S. BARRESE, Reg. No. 25,253; DAVID M. CARTER, Reg. No. 30,949; PAUL J. FARRELL, Reg. No. 33,494; PETER DELUCA, Reg. No. 32,978; JEFFREY S. STEEN, Reg. No. 32,063; ADRIAN T. CALDERONE, Reg. No. 31,746; GEORGE M. KAPLAN, Reg. No. 28,375; JOSEPH W. SCHMIDT, Reg. No. 36,920; RAYMOND E. FARRELL, Reg. No. 34,816; RUSSELL R. KASSNER, Reg. No. 36,183; CHRISTOPHER G. TRAINOR, Reg. No. 39,517; GEORGE LIKOUREZOS, Reg. No. 40,067; JAMES M. LOEFFLER, Reg. No. 37,873; EDWARD C. MEAGHER, Reg. No. 41,189; SUSAN L. HESS, 37,350; MICHAEL P. DILWORTH, Reg. No. 37,311; PETER B. SORELL, Reg. No. 44,349; GLENN D. SMITH, Reg. No. 42,156; MICHAEL E. CARMEN, Reg. No. 43,533; HAROLD G. FURLOW, Reg. No. 43,621, and KEVIN C. ECKER, Reg. No. 43,600, each of them of DILWORTH & BARRESE, 333 Earle Ovington Boulevard, Uniondale, New York 11553.

SEND CORRESPONDENCE TO:

David M. Carter

DILWORTH & BARRESE
333 Earle Ovington Boulevard
Uniondale, New York 11553

DIRECT TELEPHONE CALLS TO:

(Name and telephone number)

(516) 228-8484

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of ^{second} ~~sole~~ or ^{joint} ~~first~~ inventor Roger J. Talish

Inventor's signature [Signature]

Date 3/7/00 Country of Citizenship USA

Residence 5 Harmon Court Hillsborough, NJ 08876

Post Office Address same as above

Full name of ~~second joint~~ ^{select first} inventor, if any John P. Ryaby

Inventor's signature [Signature]

Date Country of Citizenship USA

Residence 42 Stewart Road Essex Falls, NJ 07021

Post Office Address same as above

Full name of third joint inventor, if any Emery Rose

Inventor's signature

Date Country of Citizenship USA

Residence 31-77 32nd Street, Astoria, NY 11106

Post Office Address same as above

Full name of fourth joint inventor, if any Alan A. Winder

Inventor's signature

Date Country of Citizenship USA

Residence 56 Patrick Road Westport, CT 06880

Post Office Address same as above

Full name of fifth joint inventor, if any Kenneth Urgovitch, Sr.

Inventor's signature

Date Country of Citizenship USA

Residence 43 MacArthur Avenue Clifton, NJ 07013

Post Office Address same as above

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor Roger J. Talish

Inventor's signature _____
Date _____ Country of Citizenship USA
Residence 5 Harmon Court Hillsborough, NJ 08876
Post Office Address same as above

Full name of second joint inventor, if any John P. Ryaby

Inventor's signature _____
Date _____ Country of Citizenship USA
Residence 42 Stewart Road Essex Falls, NJ 07021
Post Office Address same as above

Full name of third joint inventor, if any Emery Rose

Inventor's signature Emery S. Rose
Date 2/25/00 Country of Citizenship USA
Residence 31-77 32nd Street, Astoria, NY 11106
Post Office Address same as above

Full name of fourth joint inventor, if any Alan A. Winder

Inventor's signature _____
Date _____ Country of Citizenship USA
Residence 56 Patrick Road Westport, CT 06880
Post Office Address same as above

Full name of fifth joint inventor, if any Kenneth Urgovitch, Sr.

Inventor's signature _____
Date _____ Country of Citizenship USA
Residence 43 MacArthur Avenue Clifton, NJ 07013
Post Office Address same as above

1002230 122001

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE (S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor Roger J. Talish

Inventor's signature _____

Date _____ Country of Citizenship USA

Residence 5 Harmon Court Hillsborough, NJ 08876

Post Office Address same as above

Full name of second joint inventor, if any John P. Ryaby

Inventor's signature _____

Date _____ Country of Citizenship USA

Residence 42 Stewart Road Essex Falls, NJ 07021

Post Office Address same as above

Full name of third joint inventor, if any Emery Rose

Inventor's signature _____

Date _____ Country of Citizenship USA

Residence 31-77 32nd Street, Astoria, NY 11106

Post Office Address same as above

Full name of fourth joint inventor, if any Alan A. Winder

Inventor's signature Alan A. Winder

Date 2/23/00 Country of Citizenship USA

Residence 56 Patrick Road Westport, CT 06880

Post Office Address same as above

Full name of fifth joint inventor, if any Kenneth Urgovitch, Sr.

Inventor's signature _____

Date _____ Country of Citizenship USA

Residence 43 MacArthur Avenue Clifton, NJ 07013

Post Office Address same as above

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of ^{second} ~~sole~~ or ^{joint} ~~first~~ inventor Roger J. Talish

Inventor's signature [Signature]

Date 3/7/00 Country of Citizenship USA

Residence 5 Harmon Court Hillsborough, NJ 08876

Post Office Address same as above

Full name of ~~second joint~~ ^{sole or first} inventor, if any John P. Ryaby

Inventor's signature _____

Date _____ Country of Citizenship USA

Residence 42 Stewart Road Essex Falls, NJ 07021

Post Office Address same as above

Full name of third joint inventor, if any Emery Rose

Inventor's signature _____

Date _____ Country of Citizenship USA

Residence 31-77 32nd Street, Astoria, NY 11106

Post Office Address same as above

Full name of fourth joint inventor, if any Alan A. Winder

Inventor's signature _____

Date _____ Country of Citizenship USA

Residence 56 Patrick Road Westport, CT 06880

Post Office Address same as above

Full name of fifth joint inventor, if any Kenneth Drgovitch, Sr.

Inventor's signature [Signature]

Date 3/10/00 Country of Citizenship USA

Residence 43 MacArthur Avenue Clifton, NJ 07013

Post Office Address same as above

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING
ADDED PAGE(S) WHICH FORM A PART OF THIS DECLARATION

- ☐ Signature for subsequent joint inventors.
Number of pages added _____.
- ☐ Signature by administrator(trix), executor(trix) or legal
representative for deceased or incapacitated inventor.
Number of pages added _____.
- ☐ Signature for inventor who refuses to sign or cannot be
reached by person authorized under 37 C.F.R. §1.47.
Number of pages added _____.

- ☒ Added pages to combined declaration and power of attorney for
divisional, continuation, or continuation-in-part (CIP)
application.
Number of pages added 1.

- ☐ Authorization of attorney(s) to accept and follow
instructions from representative.

If no further pages form a part of this Declaration then end
this Declaration with this page and check the following item.

- ☐ This declaration ends with this page.

ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY
FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION

(complete this part only if this is a
divisional, continuation or CIP application)

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)
UNDER 35 U.S.C. 120

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claim of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:					
U.S. APPLICATIONS			Status (Check One)		
U.S. APPLICATIONS	U.S. FILING DATE		Patented	Pending	Abandoned
1. 0 /					
2. 0 /					
3. 0 /					
4. 0 /					
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NO. ASSIGNED (if any)			
5.PCT/US98/ 02447	2/06/98				

1002220-1002220

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John P. Ryaby et al.

Serial No.: 09/436,999

Filed: November 9, 1999

Title: METHOD AND APPARATUS FOR CARTILAGE GROWTH STIMULATION

Commissioner for Patents
Washington, D.C. 20231

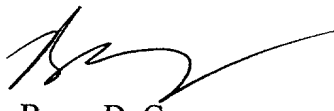
TRANSMITTAL OF POWER OF ATTORNEY BY INVENTORS
AND REVOCATION OF PRIOR POWERS

Sir:

Enclosed please find the Power of Attorney by Inventors and Revocation of Prior Powers executed by John P. Ryaby, Roger J. Talish, Emery Rose, Alan A. Winder, and Kenneth Urgovitch, Sr.

No fee for this submission is believed to be required. However, if this belief is incorrect, the Commissioner is authorized to charge any deficiencies to Deposit Account No. 11-0855.

Respectfully submitted,



Bruce D. Gray
Registration No. 35,799

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530
404.815.6218
Attorney Docket No. 41482/205527

Certificate of Mailing

I hereby certify that this document along with any paper referred to as being attached or enclosed, is being forwarded to the Commissioner for Patents, Washington, D.C. 20231, via U.S. Mail on this 31 day of October 2000.

ATLLIB01 1057158 1



Entered Computer 11/1/2000
205527A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John P. Ryaby et al.

Serial No.: 09/436,999

Filed: November 9, 1999

Title: METHOD AND APPARATUS FOR CARTILAGE GROWTH
STIMULATION

Docket No.: 23-31-0032

Assistant Director for Patents
Washington, D.C. 20231

**POWER OF ATTORNEY BY INVENTORS
AND REVOCATION OF PRIOR POWERS**

Sir:

The undersigned are inventors of the above-identified patent application, and hereby declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent.

We hereby revoke all powers of attorney previously given and hereby appoint the following attorneys to prosecute and transact all business in the U.S. Patent and Trademark Office connected therewith:

U.S. Serial No. 09/436,999

Filed: November 9, 1999

Power of Attorney by Assignee of Entire Interest
and Revocation of Prior Powers

Attorney and/or Agent	Registration No.
Charles Y. Lackey	22,707
John M. Harrington	25,592
John S. Pratt	29,476
A. Jose Cortina	29,733
James L. Ewing, IV	30,630
Charles W. Calkins	31,814
George T. Marcou	33,014
Bernard J. Graves, Jr.	33,239
Dean W. Russell	33,452
Richard T. Peterson	35,320
Charles T. Simmons	35,359
Nora M. Tocups	35,717
Bruce D. Gray	35,799
Theodore R. Harper	35,890
Geoff L. Sutcliffe	36,348
Stephen B. Parker	36,631
Pat Winston Kennedy	36,970
Mitchell G. Stockwell	39,389
Michael J. Turton	40,852
Yoncha L. Kundupoglu	41,130
Joel R. Petrow	30,886
William B. Clemmons, Jr.	32,558

Attorney and/or Agent	Registration No.
Benjamin D. Driscoll	41,571
Alana G. Kriegsman	41,747
J. Steven Gardner	41,772
James J. Bindseil	42,326
Edwina Thomas Washington	43,187
Camilla Camp Williams	43,992
Carl B. Massey	44,224
R. Whitney Winston	44,432
John William Ball, Jr.	44,433
Dawn-Marie Bey	44,442
Tiep H. Nguyen	44,465
Kristin L. Johnson	44,807
J. Jason Link	44,874
Bambi F. Walters	45,197
J. Michael Boggs	P46,563
Adam E. Crall	P46,646
Kyle M. Globerman	P46,730
Tywanda L. Harris	P46,758
Kristin D. Mallatt	P46,895
Cynthia B. Rothschild	P47,040
Earl M. Douglas	31,723
George K. Stacey	35,688

Please direct all correspondence relating to the above-identified patent application to:

Chief Patent Counsel
Smith & Nephew, Inc.
1450 Brooks Road
Memphis, Tennessee 38116

U.S. Serial No. 09/436,999

Filed: November 9, 1999

Power of Attorney by Assignee of Entire Interest
and Revocation of Prior Powers

Please direct all telephone calls to:

Bruce D. Gray, Esq. (404) 815-6218

Date: 9/28/00

By: 
Name: John P. Ryaby

Date: 9/5/00

By: 
Name: Roger J. Talish

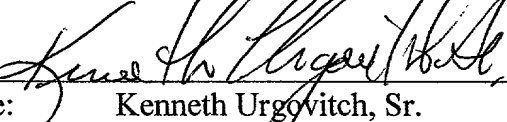
Date: 10/10/00

By: 
Name: Emery Rose

Date: 9/28/00

By: 
Name: Alan A. Winder

Date: 10/4/00

By: 
Name: Kenneth Urgovitch, Sr.

Attorney's Docket No. 601-38PCT

PATENT

For: ☒ PCT Application
For: ☒ U.S. and/or ☒ Foreign Rights
For: ☒ U.S. Application or ☐ U.S. Patent
By: ☒ Inventor(s) or ☐ Present Owner

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR:

Roger J. Talish
John P. Ryaby
Emery S. Rose
Alan A. Winder
Kenneth Urgovich, Sr.

hereby sells, assigns and transfers to

ASSIGNEE:

EXOGEN, INC.
(Type or print name of ASSIGNEE)

P.O. Box 6860 - 10 Constitution Ave
Address
Piscataway, New Jersey 08855

USA
Nationality

and the successors, assigns and legal representatives of the ASSIGNEE

(complete one of the following)

- ☒ the entire right, title and interest
- ☐ an undivided _____ percent (_____%) interest for the United States and its territorial possessions

(check the following box if foreign rights are also to be assigned)

- ☒ an in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

METHOD AND APPARATUS FOR CARTILAGE GROWTH STIMULATION

(check and complete (a), (b), (c) or (d))

and which is found in

- (a) ☐ U.S. Patent Application executed on even date herewith
- (b) ☐ U.S. Patent Application executed on _____
- (c) ☐ U.S. Application Serial No. 0 / _____ filed on _____
- (d) ☐ U.S. Patent No. _____ issued _____
- ☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.
- (e) ☒ PCT Application No. PCT/US98/02447 filed on February 6, 1998.
- (f) ☒ U.S. Provisional Patent Application Serial No. 60/037,367 filed on February 6, 1997.

(also check (e) if foreign application(s) is also being assigned)

- (g) ☒ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, continuation in part, division, renewal, or substitute thereof, and as to letters patent any re-issue or re-examination thereof

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal

this _____ (Date of signing).

WARNING: Date of signing must be the same as the date of execution of the application if item (a) was checked above.

ROGER J. TALISH

Dated

JOHN P. RYABY

Dated

Emery S. Rose
EMERY S. ROSE

8/30/99
Dated

ALAN A. WINDER

Dated

KENNETH URGOVICH, SR.

Dated

If ASSIGNOR is a legal entity complete the following information

Type or print the name of the above person
authorized to sign on behalf of ASSIGNOR

Title

NOTE:

No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution 35 U.S.C. 261. Use next page if notarization is desired.

☒ Notarization or Legalization Page Added.

STATE OF

SS

COUNTY OF

On this ____ day of _____, 19____, before me personally appeared ROGER J. TALISH to me personally known and known to me to be the person who signed the foregoing assignment and acknowledged the signing of same as his free act and deed.

Notary Public

STATE OF

SS

COUNTY OF

On this ____ day of _____, 19____, before me personally appeared JOHN P. RYABY to me personally known and known to me to be the person who signed the foregoing assignment and acknowledged the signing of same as his free act and deed.

Notary Public

STATE OF

SS

COUNTY OF

On this ____ day of _____, 19____, before me personally appeared EMERY S. ROSE to me personally known and known to me to be the person who signed the foregoing assignment and acknowledged the signing of same as his free act and deed.

Notary Public

STATE OF

SS

COUNTY OF

On this ____ day of _____, 19____, before me personally appeared ALAN A. WINDER to me personally known and known to me to be the person who signed the foregoing assignment and acknowledged the signing of same as his free act and deed.

Notary Public

10022200-122001

STATE OF

SS

COUNTY OF

On this _____ day of _____, 19____,
before me personally appeared KENNETH K. URGOVICH, SR to me
personally known and known to me to be the person who signed the
foregoing assignment and acknowledged the signing of same as his
free act and deed.

Notary Public

1002230-12001
FOOCT-0525200F

PATENT

For: ☒ PCT Application
For: ☒ U.S. and/or ☒ Foreign Rights
For: ☒ U.S. Application or ☐ U.S. Patent
By: ☒ Inventor(s) or ☐ Present Owner

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR: Roger J. Talish
John P. Ryaby
Emery S. Rose
Alan A. Winder
Kenneth Urgovich, Sr.

hereby sells, assigns and transfers to

ASSIGNEE:

EXOGEN, INC.
(Type or print name of ASSIGNEE)

P.O. Box 6860 - 10 Constitution Ave
Address
Piscataway, New Jersey 08855

USA
Nationality

and the successors, assigns and legal representatives of the ASSIGNEE

(complete one of the following)

- ☒ the entire right, title and interest
- ☐ an undivided _____ percent (_____%) interest for the United States and its territorial possessions

(check the following box if foreign rights are also to be assigned)

- ☒ an in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

METHOD AND APPARATUS FOR CARTILAGE GROWTH STIMULATION

(check and complete (a), (b), (c) or (d))

and which is found in

(a) ☐ U.S. Patent Application executed on even date herewith

(b) ☐ U.S. Patent Application executed on _____

(c) ☐ U.S. Application Serial No. 0 / _____ filed on

(d) ☐ U.S. Patent No. _____ issued _____

☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.

(e) ☒ PCT Application No. PCT/US98/02447 filed on February 6, 1998.

(f) ☒ U.S. Provisional Patent Application Serial No. 60/037,367 filed on February 6, 1997.

(also check (e) if foreign application(s) is also being assigned)

(g) ☒ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, continuation in part, division, renewal, or substitute thereof, and as to letters patent any re-issue or re-examination thereof

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal

this _____ (Date of signing).

WARNING: Date of signing must be the same as the date of execution of the application if item (a) was checked above.

ROGER J. TALISH

Dated

JOHN P. RYABY

Dated

EMERY S. ROSE

Dated

Alan A. Winder
ALAN A. WINDER

10/8/99
Dated

KENNETH URGOVICH, SR.

Dated

If ASSIGNOR is a legal entity complete the following information

Type or print the name of the above person
authorized to sign on behalf of ASSIGNOR

Title

NOTE:

No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution 35 U.S.C. 261. Use next page if notarization is desired.

☒ Notarization or Legalization Page Added.

10036390-122001

STATE OF

SS

COUNTY OF

On this _____ day of _____, 19____, before me personally appeared ROGER J. TALISH to me personally known and known to me to be the person who signed the foregoing assignment and acknowledged the signing of same as his free act and deed.

Notary Public

STATE OF

SS

COUNTY OF

On this _____ day of _____, 19____, before me personally appeared JOHN P. RYABY to me personally known and known to me to be the person who signed the foregoing assignment and acknowledged the signing of same as his free act and deed.

Notary Public

STATE OF

SS

COUNTY OF

On this _____ day of _____, 19____, before me personally appeared EMERY S. ROSE to me personally known and known to me to be the person who signed the foregoing assignment and acknowledged the signing of same as his free act and deed.

Notary Public

STATE OF Connecticut
COUNTY OF Fairfield

ss Westport

On this 8th day of October, 1999, before me personally appeared ALAN A. WINDER to me personally known and known to me to be the person who signed the foregoing assignment and acknowledged the signing of same as his free act and deed.

Barbara Stephens
Notary Public

My Commission Expires 11-30-03

STATE OF

SS

COUNTY OF

On this _____ day of _____, 19____,
before me personally appeared KENNETH K. URGOVICH, SR to me
personally known and known to me to be the person who signed the
foregoing assignment and acknowledged the signing of same as his
free act and deed.

Notary Public

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